

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

MOHAMMAD ABUSADEH,

Plaintiff,

vs.

MICHAEL CHERTOFF, *et al.*,

Defendants.

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CIVIL ACTION NO. H-07-3155

**MEMORANDUM AND RECOMMENDATION ON ATTORNEY'S FEES**

On December 17, 2008, Judge Lee H. Rosenthal adopted this court's memorandum and recommendation, thereby granting Mohammad Abusadeh's application for attorney's fees under the Equal Access to Justice Act ("EAJA"). (Order Adopting Magistrate Judge's Memorandum & Recommendation ["Order of Adoption"], Docket Entry #50). In the memorandum, this court determined that a fee award should be calculated at the EAJA statutory rate of \$125.00 per hour, adjusted to reflect any increased cost of living. (Memorandum & Recommendation, Docket Entry #36, at 10-11). In addition, the court found that the fees should be assessed from the inception of the litigation, even though it was commenced in the District of Columbia. (*Id.*). The court then "instructed Abusadeh to specify the correct amount of fees." (*See id.*; Order of Adoption at 1). Subsequently, in compliance with the court's directive, Plaintiff provided detailed arguments and evidence in support of his conclusion that the sum of \$37,524.84 is an appropriate fee award. (*See* Docket Entries #44-49).

Having reviewed the pleadings and evidence submitted, the court finds that Plaintiff is entitled to an award in the amount of \$37,524.84. Accordingly, the court **RECOMMENDS** that Plaintiff be awarded the sum of \$37,524.84 in attorney's fees.

The Clerk of the Court shall send copies of the memorandum and recommendation to the respective parties, who will then have ten business days to file written objections, pursuant to 28 U.S.C. § 636(b)(1)(c), General Order 02-13, S.D. Texas. Failure to file written objections within the time period provided will bar an aggrieved party from attacking the factual findings and legal conclusions on appeal.

The original of any written objections shall be filed with the United States District Clerk, P.O. Box 61010, Houston, Texas 77208; copies of any such objections shall be delivered to the chambers of Judge Lee H. Rosenthal, Room 11535, and to the chambers of the undersigned, Room 7007.

**SIGNED** at Houston, Texas, this 14th day of December, 2011.

A handwritten signature in black ink, appearing to read 'M. Milloy', is centered on the page.

**MARY MILLOY  
UNITED STATES MAGISTRATE JUDGE**